

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

AUG 19 2005

FILED

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE,

PETITIONER,

VS.

CHERYL L. JENSEN,

RESPONDENT.

)
)
)
)
)
)
)
)
)
)

CONSENT ORDER

CAUSE NO. A-1631

In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its attorney, Martin W. Swanson and Cheryl L. Jensen, ("Respondent"), mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondent pursuant to Neb. Rev. Stat. §44-101.01 and §44-4001, et seq.

2. Respondent was licensed as a non-resident insurance agent under the laws of Nebraska at all times material hereto.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Cheryl L. Jensen, Cause Number A-1631 on July 7, 2005. A copy of the petition was served upon the Respondent at the Respondent's home address and registered with the Department by certified mail, return receipt requested.

2. Respondent violated §§44-1524, 44-1525(10), 44-1525(12), 44-4059(1)(b), 44-4059(1)(e), 44-4059(1)(l) as a result of the following conduct:

- a. Respondent is a licensed non-resident insurance producer appointed with Fortis Insurance Company (Fortis). Respondent was brought a short-term medical application for Janet King (King). King was not her client and, in fact, she was brought this application by Ryan Schaake, who is an appointed agent with Bankers Life and not Fortis. Schaake completed the application for King. Respondent did not know King nor did she ever meet or discuss the policy with King. Respondent, as an appointed agent, did receive a commission for this business.
- b. Respondent added her agent information to the application, without ever meeting or contacting King directly, and submitted it to Fortis for issue. Fortis did issue the policy and, after subsequent investigation by Scott Zager, insurance investigator for the Nebraska Department of Insurance, Fortis alleged that Respondent's actions were proper.
- c. Schaake admitted that he, in fact, assisted King with the application.
- d. The application contains language that states "the agent acknowledge(s) that the applicant has read, or has had read to him, the completed application." The application denotes that Respondent is the agent that submitted the complete application to Fortis.
- e. Respondent admitted that she specifically printed her name rather than signing her name specifically to denote that she was not present while the application was completed.

3. Respondent was informed of her right to a public hearing. Respondent waives that right, and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving her right to a public hearing, Respondent also waives her right to confrontation of witnesses, production of evidence, and judicial review.

4. Respondent admits the allegations contained stated in Paragraph #2 above.

CONCLUSIONS OF LAW

Respondent's conduct as alleged above constitutes a violation of §§44-1524, 44-1525(10), 44-1525(12), 44-4059(1)(b), 44-4059(1)(e), 44-4059(1)(l).

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed to by Respondent, Cheryl L. Jensen, that she shall pay an administrative fine of \$1000. The fine shall be paid in total within thirty days after the Director of the Department of Insurance affixes his signature to this document and approves said consent agreement. If Respondent fails to pay this fine in the time specified, his Nebraska's insurance producers license shall automatically be suspended. In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing their signature below.



Martin W. Swanson, #20795
Attorney for Nebraska
Department of Insurance
941 "O" Street, Suite 400
Lincoln, Nebraska 68508
(402)471-2201

8/10/05

Date

Cheryl L. Jensen
Respondent

08-09-2005
Date

State of Iowa)
County of Pottawattamie) ss.

On this 9th day of August, 2005, Cheryl L. Jensen personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be her voluntary act and deed.

Traci M. Evans
Notary Public



I hereby certify that the foregoing Consent Order is adopted as the Final Order of the
Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs.
Cheryl L. Jensen, Cause No. A-1631.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



L. TIM WAGNER
Director of Insurance

August 19, 2005
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondent, at
15485 Nall Road, Council Bluffs, Iowa 51503, by certified mail, return receipt requested on this
19th day of August, 2005.

